UNITED STATES DISTRICT CO EASTERN DISTRICT OF NEW Y			NOT FOR PUBLICATION
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101111 7.07		:	
JOHN DOE,		:	
Plain	tiff,	:	<u>ORDER</u>
- against -		: :	
AMERICAN AIRLINES, INC.		:	No. 1:10-cv-4178 (ERK) (RER)
		:	
Dete:	ndant.	: • Y	
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KORMAN, J.:

The defendant has moved to dismiss three of the five causes of action alleged in the complaint. Two related causes of action would survive the motion to dismiss. My basic policy, which I have applied repeatedly, is that

[i]f one of a number of integrally related causes of action have to be tried, it makes no sense to grant summary judgment as to one or more of them, as it may prove necessary to hold yet another trial in the event that it is determined on appeal that summary judgment was improperly granted. As observed by Judge Clark in an analogous context:

'[T]here seems no question that in the long run fragmentary disposal of what is essentially one matter is unfortunate not merely for the waste of time and expense caused the parties and the courts, but because of the mischance of differing dispositions of what is essentially a single controlling issue.'

Manzi v. DiCarlo, 62 F.Supp.2d 780, 793 (E.D.N.Y. 1999), quoting Audi Vision Inc. v. RCA Mfg. Co., 136 F.2d 621, 625 (2d Cir.1943); see also Parker v. Time Warner Entertainment Co., L.P., No. 98-4265, 1999 WL 1132463, at *12 (E.D.N.Y. Nov. 8, 1999), Phillips v. Better Homes Depot, Inc., No. 02-1168, 2003 WL 25867736, at *23 (E.D.N.Y. Nov. 12, 2003), DePace v. Matsushita Elec. Corp. of America, No. 02-4312, 2004 WL 1488312, at *14-15 (E.D.N.Y. Jul. 16, 2004), Friedman v. New York City

Admin. for Children's Services, No. 04-3077, 2005 WL 2436219, at *9 (E.D.N.Y. Sept. 30, 2005).

Accordingly, the motion to dismiss counts one, three, and five is denied without prejudice to renewal at an appropriate time.

Brooklyn, New York September 26, 2011 SO ORDERED.

<u>Edward R. Xorman</u>

Edward R. Korman Senior United States District Judge